THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 10185 of 2006

24.05.2006

Between:

Gade Surya Rao and others.

…Petitioners

And

Commissioner, Endowments Department, Andhra Pradesh,

Hyderabad and three others.

….Respondents.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 10185 of 2006

ORDER :

Petitioners are the lessees of an extent of Ac.13-90 cents of land in Survey No.121/2 and 1 of Fakruddin Palem village of East Godavari District, belonging to the 4th respondent. The lease came to an end and the application of the petitioners for treating them as small

farmers for the purpose of continuing the lease, was rejected by the Assistant Commissioner of Endowments, Rajahmundry. The appeal filed against it was also rejected.

When the petitioners were about to be evicted, they approached the Commissioner of Endowments for extension of lease.

The 4th respondent issued proceedings, dated 29.3.2006, requiring the petitioner to vacate the land by 30.4.2006. The petitioners challenge the same alleging that they were made to understand that the lease would be in force up to the end of the crop year 2006-07. Several other contentions were also urged.

Heard the learned counsel for the petitioners and also the learned Government Pleader for Endowments.

It is not in dispute that the lease in favour of the petitioners has expired long back and they were continued till the end of the current crop year by the Commissioner of Endowments. The 4th respondent intends to put the leasehold rights of the land to auction. Once the claim of the petitioners to be declared as small farmers was rejected, there does not exist any basis for them to continue as lessees. In case they desire, they can participate in the forthcoming auction of leasehold rights. The learned Counsel for petitioners states that there is an existing crop over the land.

The writ petition is disposed of directing that the petitioners shall vacate the land and deliver vacant possession of the same to the 4th respondent by the end of June 2006. In the meanwhile, it shall be open to the 4th respondent to proceed with the auction of leasehold rights and the petitioners shall be entitled to participate in the same,

if they so wants. No order as to costs.

L. NARASIMHA REDDY, J

Date: 24th May 2006

ajr/pv